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EXECUTIVE CHAMBERS

HONOLULU

MAY 24, 1999

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 560

Honorable Members
Twentieth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 560, entitled "A Bill for an Act Relating to Special Management Areas."

The purpose of this bill is to halt the long-term degradation of natural resources by providing guidance in determining what constitutes substantial adverse environmental or ecological effect in terms of the coastal zone management law. Before approving development within a special management area (SMA), county planning authorities must make a finding that the development will not have any substantial adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest.

This bill, however, does not achieve its purpose because it establishes unnecessary standards for SMA permit reviews. Currently, all major SMA permits involve extensive agency reviews for compliance with applicable requirements and also must go through public hearings before county planning commissions; provide notification to surrounding property owners of the proposed action and public hearing dates; and go through a contested case hearing. The current SMA permit review process is adequate and does not need additional standards.

In addition, this bill would impose potentially high costs on applicants for SMA permits that are unnecessary in the vast majority of instances. These costs would involve additional technical studies such as air quality, noise, and water pollution baseline studies. The determination as to whether these


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additional studies are necessary should be done on a case-by-case basis.

This bill will overly complicate the SMA permit review process and increase costs for county planning departments by requiring additional staff.

For the foregoing reasons, I am returning Senate Bill No. 560 without my approval.

Respectfully,


BENJAMIN J. CAYETANO
Governor of Hawaii

P R O C L A M A T I O N

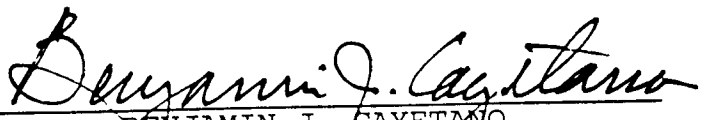
WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 560, entitled "A Bill for an Act Relating to Special Management Areas," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 560 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 560 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 24th
day of May, 1999.


BENJAMIN J. CAYETANO
Governor of Hawaii